

OCT 09 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

DELMER LOUIS SMITH,
Plaintiff,

v.

GENE JOHNSON, et. al.,
Defendants.

)
) Civil Action No. 7:08-cv-00509
)

) **FINAL ORDER**
)

) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), plaintiff's motion to amend is **DENIED**,² and the case is stricken from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 9th day of October, 2008.

[Signature]

Senior United States District Judge

²Petitioner states in the motion to amend that he needs to "include another sentence where the same issues are involved." As the current motion fails to provide the details to be added and involves evidence of a type that would not affect the court's judgment in this case, it is denied.